

1 AN ACT in relation to alcoholic liquor.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons
8 prohibited.

9 (a) Except as otherwise provided in subsection (b), no
10 license of any kind issued by the State Commission or any
11 local commission shall be issued to:

12 (1) A person who is not a resident of any city,
13 village or county in which the premises covered by the
14 license are located; except in case of railroad or boat
15 licenses.

16 (2) A person who is not of good character and
17 reputation in the community in which he resides.

18 (3) A person who is not a citizen of the United
19 States.

20 (4) A person who has been convicted of a felony
21 under any Federal or State law, unless the Commission
22 determines that such person has been sufficiently
23 rehabilitated to warrant the public trust after
24 considering matters set forth in such person's
25 application and the Commission's investigation. The
26 burden of proof of sufficient rehabilitation shall be on
27 the applicant.

28 (5) A person who has been convicted of being the
29 keeper or is keeping a house of ill fame.

30 (6) A person who has been convicted of pandering or
31 other crime or misdemeanor opposed to decency and

1 morality.

2 (7) A person whose license issued under this Act
3 has been revoked for cause.

4 (8) A person who at the time of application for
5 renewal of any license issued hereunder would not be
6 eligible for such license upon a first application.

7 (9) A copartnership, if any general partnership
8 thereof, or any limited partnership thereof, owning more
9 than 5% of the aggregate limited partner interest in such
10 copartnership would not be eligible to receive a license
11 hereunder for any reason other than residence within the
12 political subdivision, unless residency is required by
13 local ordinance.

14 (10) A corporation, if any officer, manager or
15 director thereof, or any stockholder or stockholders
16 owning in the aggregate more than 5% of the stock of such
17 corporation, would not be eligible to receive a license
18 hereunder for any reason other than citizenship and
19 residence within the political subdivision.

20 (10a) A corporation unless it is incorporated in
21 Illinois, or unless it is a foreign corporation which is
22 qualified under the Business Corporation Act of 1983 to
23 transact business in Illinois.

24 (11) A person whose place of business is conducted
25 by a manager or agent unless the manager or agent
26 possesses the same qualifications required by the
27 licensee.

28 (12) A person who has been convicted of a violation
29 of any Federal or State law concerning the manufacture,
30 possession or sale of alcoholic liquor, subsequent to the
31 passage of this Act or has forfeited his bond to appear
32 in court to answer charges for any such violation.

33 (13) A person who does not beneficially own the
34 premises for which a license is sought, or does not have

1 a lease thereon for the full period for which the license
2 is to be issued.

3 (14) Any law enforcing public official, including
4 members of local liquor control commissions, any mayor,
5 alderman, or member of the city council or commission,
6 any president of the village board of trustees, any
7 member of a village board of trustees, or any president
8 or member of a county board; and no such official shall
9 be interested directly in the manufacture, sale, or
10 distribution of alcoholic liquor, except that a license
11 may be granted to such official in relation to premises
12 that are not located within the territory subject to the
13 jurisdiction of that official if the issuance of such
14 license is approved by the State Liquor Control
15 Commission and except that a license may be granted, in a
16 city or village with a population of 50,000 or less, to
17 any alderman, member of a city council, or member of a
18 village board of trustees in relation to premises that
19 are located within the territory subject to the
20 jurisdiction of that official if (i) the sale of
21 alcoholic liquor pursuant to the license is incidental to
22 the selling of food, (ii) the issuance of the license is
23 approved by the State Commission, (iii) the issuance of
24 the license is in accordance with all applicable local
25 ordinances in effect where the premises are located, and
26 (iv) the official granted a license does not vote on
27 alcoholic liquor issues pending before the board or
28 council to which the license holder is elected.

29 (15) A person who is not a beneficial owner of the
30 business to be operated by the licensee.

31 (16) A person who has been convicted of a gambling
32 offense as proscribed by any of subsections (a) (3)
33 through (a) (11) of Section 28-1 of, or as proscribed by
34 Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or

1 as proscribed by a statute replaced by any of the
2 aforesaid statutory provisions.

3 (17) A person or entity to whom a federal wagering
4 stamp has been issued by the federal government, unless
5 the person or entity is eligible to be issued a license
6 under the Raffles Act or the Illinois Pull Tabs and Jar
7 Games Act.

8 (18) A person who does not have liquor liability
9 insurance coverage in an amount that is at least equal to
10 the maximum liability amounts set out in subsection (a)
11 of Section 6-21.

12 (b) A criminal conviction of a corporation is not
13 grounds for the denial, suspension, or revocation of a
14 license applied for or held by the corporation if the
15 criminal conviction was not the result of a violation of any
16 federal or State law concerning the manufacture, possession
17 or sale of alcoholic liquor, the offense that led to the
18 conviction did not result in any financial gain to the
19 corporation and the corporation has terminated its
20 relationship with each director, officer, employee, or
21 controlling shareholder whose actions directly contributed to
22 the conviction of the corporation. The Commission shall
23 determine if all provisions of this subsection (b) have been
24 met before any action on the corporation's license is
25 initiated.

26 (Source: P.A. 92-378, eff. 8-16-01.)